

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GUADALUPE BERMUDEZ,

Plaintiff,

V.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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1:22-cv-1202-DII

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Dustin Howell concerning Plaintiff's Complaint, filed November 15, 2022, (Dkt. 1). (R. & R., Dkt. 19). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Howell issued the report and recommendation on May 23, 2023. (*Id.*).

The Court sent the report and recommendation to Bermudez by regular and certified mail on May 24, 2023. (Dkt. 20). The certified mail was return marked "Unclaimed, unable to forward." (Dkt. 21). Bermudez has not advised the Court of a new address or otherwise filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. When no objections are timely filed, a district court reviews the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely

objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 19), is **ADOPTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Procedure 41(b).

SIGNED on July 6, 2023.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE